

Friday, January 07, 2005

To : Eric Stamber & Arthur Duran

Note: I spoke with Eric Stamber please read the cover letter – our patent attorney has had a heart attack and cannot be reached. This response is being provided re my conversation with Eric Stamber today.

Valuedash Patent compared to Gerace

10/24/04

Gerace Claim	How we are different
1. In a computer network formed of a communication channel and a plurality of digital processors coupled to the communication channel for communication thereon, computer apparatus for initially creating a psychographic profile of a user comprising: a data assembly for providing and supporting display of agate information to users of the computer network, in response to a user request the data assembly transmitting requested agate information across the communication channel to one of the digital processors for display of the requested agate information and viewing by the user; and a tracking and profiling member responsive to the data assembly upon display of the requested agate information, in response to a user viewing requested agate information obtained through the data assembly, the tracking and profiling member recording indications of physical activity by the user during viewing of the displayed requested agate information, said physical activity being with respect to the displayed requested agate information and including user response to the displayed requested agate information, such that said recorded indications of physical activity by the user generates a psychographic profile of the user.	<p>Gerace creates a profile in as the user requests "agate" information and responds to that information.</p> <p>We follow the user's usage on his computer looking at:</p> <ul style="list-style-type: none">The information supplied for configuration.The usage of lifestyle modules, including content viewed and time spent.Results of sponsor questionnaires.Specific to the user that is "logged in" rather than generalized for all users of the computer. <p>We create a link between the sponsor server and the client computer and provide services that the user requests.</p>
2. Apparatus as claimed in claim 1 wherein the agate information provided by the data assembly includes at least one of stock and market data, theater and television schedules, sports statistics, weather information, travel information and Directory information.	<p>We supply specific databases to the user to assist tracking user responses. We do not rely on web browsing.</p>
3. Apparatus as claimed in claim 1 wherein: the tracking and profiling member records format preferences of users with respect to presentation of certain agate information, the format preferences including color schemes, text size and shapes; and in response, the data assembly displays agate information to a user (a) in a manner customized according to the format preferences of the user and (b) having contents corresponding to the psychographic profile of the user.	<p>Our sponsors provide a "skin" and the user can download additional "skins" such that the look and feel of the computer experience is configurable under the control of the sponsor and the user.</p>

4. Apparatus as claimed in claim 3, wherein the tracking and profiling member further records demographic information of the user such that demographic profiles of users are provided and the data assembly further displays agate information to a user according to demographic profile of the user.	We provide a wide and continually updated range of lifestyle modules for additional updates to the user profile.
5. Apparatus as claimed in claim 1 further comprising an advertising component coupled between the data assembly and tracking and profiling member, the advertising component holding a plurality of advertisements to be displayed to users on the network, in accordance with the psychographic profiles of the users, and for each advertisement, the advertising component providing a target profile of desired users to whom to display the advertisement.	We also display information to the user that takes into account the user profile.
6. Apparatus as claimed in claim 5 wherein the tracking and profiling member further provides demographic information about a user; and for each advertisement, the data assembly transmits the advertisement for display with agate information to users having a psychographic profile and a demographic profile substantially matching the target profile of the advertisement to provide targeted marketing.	We also target to "substantially match" the user profile. We are claiming that our profile is more accurate because it is based on actual usage. We have a way of knowing which user, whereas they do not.
7. Apparatus as claimed in claim 5 wherein the advertising component further records history of users viewing the advertisements, including for each advertisement, at least one of (i) number of times viewed by a user, (ii) number of times selected for further information, and (iii) number of times a purchase was obtained through the advertisement.	We update the specific user profile and give the information to the sponsor.
8. Apparatus as claimed in claim 7 further comprising a subroutine coupled to the advertising component for performing a regression analysis on the history of users viewing the advertisements, and there from the subroutine refining the advertisement target profiles of desired users to whom to display the advertisements.	We also are talking about using the information to refine our targeting. We update the specific user profile and give the information to the sponsor
9. Apparatus as claimed in claim 8 wherein for each advertisement, the subroutine includes performing a regression analysis and refining the target profile of the advertisement upon a user viewing the advertisement, such that the target profiles of the advertisements are refined in real time.	We are also talking about refining in real time, but we update the specific user profile and give the information to the sponsor
10. In a computer network formed of a communication channel and a plurality of digital processors coupled to the communication channel for communication thereon, a method for initially creating user profiles comprising the steps of: providing and supporting display of agate information for viewing by users of the network; for each user, during user viewing of agate information, recording indications of physical activity including response by the user with respect to agate information being viewed by the user; from the recorded indications	We use the data from web browsing as stated in Gerace, but we also use lifestyle modules.

of physical activities and responses of the user, creating user profiles of the users, each user profile providing an indication of categories of interest to the user and display preferences for each category.	
11. A method as claimed in claim 10 wherein the step of providing and supporting display of agate information includes providing and supporting display of at least one of stock data, media schedules, sports news, weather information, travel information, and directory information.	We include real-time display of weather and other "agate" information that the user will keep up to date (by changing configuration such as zip code for weather, and team for sports scores).
12. A method as claimed in claim 10 wherein the step of providing and supporting display of agate information includes displaying advertisements to users by (i) providing advertisements, (ii) for each advertisement, providing a target profile of desired users to whom to display the advertisement, and (iii) for each user, comparing user profile to target profiles of the advertisements and displaying advertisements having target profiles substantially matching the user profile.	We are also enabling our sponsors to target ads.
13. A method as claimed in claim 12 wherein the step of recording further records user viewing activity with respect to displayed advertisements; and further comprising the step of continually refining target profiles of desired users to whom advertisements are to be displayed by (a) performing regression analysis of recorded user viewing activity with respect to each advertisement, and (b) for a given advertisement, weighting importance of target profile characteristics based on the regression analysis such that the step of comparing finds a substantial match between a user profile and the target profile upon a total score of the target profile characteristics that match characteristics of the user profile meeting a predefined threshold.	We do not have any specific algorithm specified for assisting the sponsor in refining ads. We give basic usage statistics.
14. In a computer network formed of a communication channel and a plurality of computers coupled to the communication channel for communication thereon, a method for defining profiles of target users comprising the steps of: (a) providing a source of displayable information, the source holding a multiplicity of pieces of information; (b) for each of certain pieces of information in the source, setting respective initial profiles of target users to receive the certain piece of information; (c) transmitting each of the certain pieces of information across the communication channel such that each is displayed only to users having a profile substantially matching the respective initial profile of the certain piece of information; (d) recording computer activity by users during display and user viewing of the certain pieces of information, said computer activity including physical activity and response by the user during viewing of the certain pieces of information; (e) redefining the initial profiles of target users based on a regression analysis of the recorded computer activity of users, said redefining forming respective adjusted	Our self tailoring comes from the user activities within the PIM, on the dashboard, and with the lifestyle modules, not only web browsing.

profiles of target users for each of said certain pieces of information; and (f) continually repeating steps (c) through (e) with the adjusted profiles of the certain pieces of information, such that the certain pieces of information over time, become better targeted to users having an interest in said information and hence said method is self-tailoring.	
15. A method as claimed in claim 14 wherein the step of providing a source of displayable information includes providing agate information.	We also display information for the users while the user is "training", (configuring) the system
16. Method as claimed in claim 15 wherein the step of transmitting includes displaying to users agate information in real time of events generating the agate information.	We also claim that we can transmit real-time data. The sponsor can also request information when it wants to obtain updated information. (push and pull)
17. Method as claimed in claim 16 wherein the step of transmitting and displaying includes displaying agate information in predefined schedules to coordinate with at least one of television and radio broadcast of events generating the agate information.	N/A
18. Method as claimed in claim 16 wherein the step of displaying agate information further includes updating of the information, in real-time of the events generating the agate information, in a manner such that the agate information is viewable alongside television viewing of said events.	N/A
19. A method as claimed in claim 14 wherein the step of providing a source of displayable information further includes providing advertisements as the certain pieces of information.	N/A
20. A method as claimed in claim 19 wherein the step of setting respective initial profiles of target users includes allowing sponsors of the advertisements to indicate relative importance of demographic and psychographic criteria of target users.	Sponsor will obtain usage information to judge the relative importance of advertisements.
21. A method as claimed in claim 20 wherein the step of redefining the profiles of target users includes using the regression analysis to weight importance of the demographic and psychographic criteria of target users.	We do not claim specific analysis methods.
22. A method as claimed in claim 21 wherein the step of transmitting includes (a) determining appropriateness of each of the certain pieces of information with respect to each user, by matching the weighted demographic and psychographic criteria to characteristics of the profile of the user, upon a total score of the matching meeting a predefined minimum desired score, the piece of information being determined to be appropriate for the user; and (b) ranking the certain pieces of information determined to be appropriate with respect to a user such that said ranked certain pieces of information are transmitted in order to the subject user.	We do not claim specific ad filtering methods.

23. A method as claimed in claim 22 wherein the step of redefining profiles of target users is performed in real time of subject users viewing the certain pieces of information, such that the step of determining appropriateness constantly updates which of the certain pieces of the information is to be transmitted to each of subject users.	N/A
24. A method as claimed in claim 19 further comprising the step of reporting the continually adjusted profiles of target users of the advertisements and user profiles to whom the advertisements have been transmitted, said reporting being accomplished during the continual repeating of steps (c) through (e), such that said reporting is in real time of users viewing the advertisements and the adjusted profiles being redefined.	Our profiles are updated as described above.
25. A method as claimed in claim 24 wherein the step of reporting includes displaying to sponsors of the advertisements, characteristics of the adjusted profiles each time the profiles of target users is redefined, such that sponsors are able to view in real time the advertisements becoming better targeted.	We do not claim sponsors have real-time access to user activity.
26. A method as claimed in claim 14 wherein the step of recording builds psychographic profiles of users; and the step of redefining is further based on a regression analysis of the psychographic profiles of users as recorded in the recording step.	We do not claim specific analysis methods.
27. A method as claimed in claim 14 wherein the step of redefining the profiles of target users includes performing the regression analysis in real time of users viewing and interacting with the certain pieces of information, such that the profiles of target users are redefined throughout transmission and display of the certain pieces of information in the computer network.	We do not claim specific analysis methods.
28. A method as claimed in claim 14 further comprising the step of defining, for each user, a user profile based on the recorded computer activities of the user with respect to pieces of information viewed by the user, each user profile indicating preferences in content and presentation of information to that user, said step of defining a user profile including determining the user profile upon user interactivity with displayed information, through input means coupled to a computer, coupled to the computer network.	Our profiles are created by the user when the software is installed, and are updated as described above

Dedrick and Sheldon patent answers:

The Dedrick patent does have items associated with advertising and it is in fact close to some of the other patents referenced by the examiner but it has no association with our patent application. It requires an

'index database' which stores the 'title' to different advertisements. It also requires a 'session manager' and a 'consumer scale' process which are required items so that the service provider can charge a specific fee to the advertiser. In other claims, a 'metering server' and a 'yellow page' server are required to accomplish the fee charging schedule. Our patent application does to use any of the above items even by different names and we do not carry out even the functions of the above items.

The Sheldon patent does not have any items associated with advertising but it is only focused on having a 'deskbar having a deskband' that starts in a predetermined area. This 'deskbar having a deskband' can then be moved to a specific area and also creating a new 'deskbar containing a deskband' in the old location. This patent has nothing to do with what we are doing in our patent application.

Comparison between Nason and Valuedash

Nason is concerned about controlling a display outside the normal user interface in a way that the operating system does not have any knowledge or control. This is fundamentally different from the Valuedash concept which, although operating system agnostic, uses high-level language constructs that take advantage of the operating system for creating the display.

Nason	How this applies to us
1. A method for modifying the display of a secondary user interface on a video display system to include a portal area, the video display system having a total displayable area that includes a first region and a second region, the first region controlled by a computer operating system which presents a user interface that occupies at least a portion of the first region, the second region located outside of the first region and outside of the control of the operating system, the secondary user interface being displayed in the second region, comprising: upon receiving an indication to display a portal area; increasing the size of the second region by reallocating the total displayable area between the first region and the second region, such that the first region decreases in size in a manner that is transparent to the operating system; allocating a first portion of the enlarged second region to the secondary user interface and a second portion to the portal area; redisplaying the secondary user interface in the first portion of the enlarged second region; determining an indication of content to display in the portal area; and loading and displaying the indicated content in the portal area.	Nason describes a system where the screen real estate is adjusted in a manner transparent to the operating system. Valuedash uses the operating system to adjust the screen configuration to the way that the user would like to see. The point of the valuedash screen manipulation is ease of use for the user. This provide value in the tools that is not available in the MS Office and other main stream tools. This is an incentive for the user to actually use our product.
2. The method of claim 1 wherein the content that is loaded and displayed in the portal area is a user interface for a personal information management system.	Valuedash works with the operating system (contrary to claim 1). Valuedash includes a PIM, but also includes lifestyle modules and other sponsor-related content.

3. The method of claim 2 wherein the personal information management system includes a calendar for scheduling events.	Valuedash works with the operating system (contrary to claim 1). Valuedash includes a calendar, where there are several users whose calendars are maintained for the purpose of gathering data for the sponsor and to provide a tool to the user.
4. The method of claim 1 wherein the content that is loaded and displayed in the portal area is an html-based image.	Valuedash works with the operating system (contrary to claim 1). I am surprised that they patented displaying html images. I think that our content includes but is not limited to html.
5. The method of claim 1 wherein the content that is loaded and displayed in the portal area is an application that communicates over a network.	Valuedash works with the operating system (contrary to claim 1). Valuedash includes communication between the sponsor and the end-users.
6. The method of claim 5 wherein the network is the Internet.	Valuedash works with the operating system (contrary to claim 1). Us too.
7. The method of claim 1 wherein the content that is loaded and displayed in the portal area is a user interface for instant messaging.	Valuedash works with the operating system (contrary to claim 1). Valuedash "white area" included the concept of communication among members of a community defined by the sponsor. Valuedash includes a plurality of sponsors too.
8. The method of claim 1 wherein the content that is loaded and displayed in the portal area is an advertisement.	Valuedash works with the operating system (contrary to claim 1). I'm pretty sure that advertising is not patentable.
9. The method of claim 1 wherein the content that is loaded and displayed in the portal area is a user interface for an electronic mail application.	Valuedash works with the operating system (contrary to claim 1). Valuedash includes an email client to provide a complete set of tools for the user.
10. The method of claim 1 wherein the content that is loaded and displayed in the portal area contains textual or graphical information.	Valuedash works with the operating system (contrary to claim 1). Valuedash includes textual, graphical and auditory information since it is implemented on a computer with a screen and a speaker.
11. The method of claim 1 wherein the content that is loaded and displayed in the portal area is an application that invokes a programming interface of the code that controls the second region to modify characteristics of the second region.	Valuedash works with the operating system (contrary to claim 1). Valuedash is user-configurable.
12. The method of claim 1 wherein the content that is loaded and displayed in the portal area is an electronic program guide.	Valuedash works with the operating system (contrary to claim 1). N/A

13. The method of claim 1, further comprising: dynamically determining a component of the secondary user interface that is potentially new or updated; integrating the determined component into the secondary user interface.	Valuedash works with the operating system (contrary to claim 1). Valuedash includes the ability to download new lifestyle modules.
14. A device for modifying the display of a secondary user interface on a video display system to include a portal area, the video display system having a total displayable area that includes a first region and a second region, the first region controlled by a computer operating system which presents a user interface that occupies at least a portion of the first region, the second region located outside of the first region and outside of the control of the operating system, the secondary user interface being displayed in the second region, comprising: a display adjustment mechanism that, upon receiving an indication to display a portal area, increases the size of the second region by reallocating the total displayable area between the first region and the second region, such that the first region decreases in size in a manner that is transparent to the operating system; a region allocation system that allocates a first portion of the enlarged second region to the secondary user interface and a second portion to the portal area causing the secondary user interface to be redisplayed in the first portion of the enlarged second region; and a portal management system that determines an indication of content to display in the portal area and loads and displays the indicated content in the portal area.	Nason here describes a method of updating the screen outside the control of the operating system. Valuedash does not work outside of the operating system.
15. The device of claim 14 wherein the content that is loaded and displayed in the portal area is a user interface for a personal information management system.	Valuedash works with the operating system (contrary to claim 14).
16. The device of claim 15 wherein the personal information management system includes a calendar for scheduling events.	Valuedash works with the operating system (contrary to claim 14).
17. The device of claim 14 wherein the content that is loaded and displayed in the portal area is an html-based image.	Valuedash works with the operating system (contrary to claim 14).
18. The device of claim 14 wherein the content that is loaded and displayed in the portal area is an application that communicates over a network.	Valuedash works with the operating system (contrary to claim 14).
19. The device of claim 18 wherein the network is the Internet.	Valuedash works with the operating system (contrary to claim 14).
20. The device of claim 14 wherein the content that is loaded and displayed in the portal area is a user interface for instant messaging.	Valuedash works with the operating system (contrary to claim 14).
21. The device of claim 14 wherein the content that is loaded and displayed in the portal area is an advertisement.	Valuedash works with the operating system (contrary to claim 14).

22. The device of claim 14 wherein the content that is loaded and displayed in the portal area is a user interface for an electronic mail application.	Valuedash works with the operating system (contrary to claim 14).
23. The device of claim 14 wherein the content that is loaded and displayed in the portal area contains textual or graphical information.	Valuedash works with the operating system (contrary to claim 14).
24. The device of claim 14 wherein the content that is loaded and displayed in the portal area is an application that invokes a programming interface of the code that controls the second region to modify characteristics of the second region.	Valuedash works with the operating system (contrary to claim 14).
25. The device of claim 14 wherein the content that is loaded and displayed in the portal area is an electronic program guide.	Valuedash works with the operating system (contrary to claim 14).
26. The device of claim 14, further comprising: a user interface merge facility that dynamically determines a component of the secondary user interface that is potentially new or updated and integrates the determined component into the secondary user interface.	Valuedash works with the operating system (contrary to claim 14).
27. A computer readable memory medium containing instructions for controlling a computer processor to modify the display of a secondary user interface on a video display system to include a portal area, the video display system having a total displayable area that includes a first region and a second region, the first region controlled by a computer operating system which presents a user interface that occupies at least a portion of the first region, the second region located outside of the first region and outside of the control of the operating system, the secondary user interface being displayed in the second region, by: upon receiving an indication to display a portal area; increasing the size of the second region by reallocating the total displayable area between the first region and the second region, such that the first region decreases in size in a manner that is transparent to the operating system; allocating a first portion of the enlarged second region to the secondary user interface and a second portion to the portal area; redisplaying the secondary user interface in the first portion of the enlarged second region; determining an indication of content to display in the portal area; and loading and displaying the indicated content in the portal area.	This again is a claim for controlling a display outside the control of the operating system.
28. The computer readable memory medium of claim 27 wherein the content that is loaded and displayed in the portal area is a user interface for a personal information management system.	Valuedash works with the operating system (contrary to claim 27).
29. The computer readable memory medium of claim 28 wherein the personal information management system includes a calendar for scheduling events.	Valuedash works with the operating system (contrary to claim 27).

30. The computer readable memory medium of claim 27 wherein the content that is loaded and displayed in the portal area is an html-based image.	Valuedash works with the operating system (contrary to claim 27).
31. The computer readable memory medium of claim 27 wherein the content that is loaded and displayed in the portal area is an application that communicates over a network.	Valuedash works with the operating system (contrary to claim 27).
32. The computer readable memory medium of claim 31 wherein the network is the Internet.	Valuedash works with the operating system (contrary to claim 27).
33. The computer readable memory medium of claim 27 wherein the content that is loaded and displayed in the portal area is a user interface for instant messaging.	Valuedash works with the operating system (contrary to claim 27).
34. The computer readable memory medium of claim 27 wherein the content that is loaded and displayed in the portal area is an advertisement.	Valuedash works with the operating system (contrary to claim 27).
35. The computer readable memory medium of claim 27 wherein the content that is loaded and displayed in the portal area is a user interface for an electronic mail application.	Valuedash works with the operating system (contrary to claim 27).
36. The computer readable memory medium of claim 27 wherein the content that is loaded and displayed in the portal area contains textual or graphical information.	Valuedash works with the operating system (contrary to claim 27).
37. The computer readable memory medium of claim 27 wherein the content that is loaded and displayed in the portal area is an application that invokes a programming interface of the code that controls the second region to modify characteristics of the second region.	Valuedash works with the operating system (contrary to claim 27).
38. The computer readable memory medium of claim 27 wherein the content that is loaded and displayed in the portal area is an electronic program guide.	Valuedash works with the operating system (contrary to claim 27).
39. The computer readable memory medium of claim 27, further comprising instructions for controlling the computer processor by: dynamically determining a component of the secondary user interface that is potentially new or updated; integrating the determined component into the secondary user interface.	Valuedash works with the operating system (contrary to claim 27).

Angles patent answer: from
Howard Willers (also addresses comments on Nason and Gerace patent

However, Angles discloses that there are multiple content provider sponsors such that different categories of content can be supplied by different sponsors (Fig. 2).

Angles further discloses that the software can be run locally or on the client (col 3, lines 24-29; Fig. 11, item 12) and that client run software can be faster (col 12, lines 2-11).

Angles patent intent is for supplying different advertising content to different users while billing for this service. The patent has similar aspects to our patent but it totally misses the essence of what we are trying to do. Under their 'bill for click' approach, 3 systems are required under claim 12. More importantly, their approach is identical to Gerace's approach.

Angles specifically is only providing an advertising service similar to the Gerace's patent. Our patent does provided advertising but only in conjunction with the desires of the user or client. In Gerace and Angles, the advertising is customized for the client without his asking for the advertising and without his direct input. Cookies are loaded that sends information to the server from the client without their knowledge. Our system gathers information without being connected to the internet using a 'portal skin' that is a software program that has functions such as spread sheet software, or word processing software, etc. This special program has 'skin' or coverings that are customizable by the user and the sponsor. The user is in full control and because the sponsor is providing the software for his computer, the user is receiving the advertising that he wants to see.

In Angles, the software that is run on the client computer specifically (as stated in col 3 and 12) retrieves advertisements that are stored on the client computers computer to speed up the process of bringing advertisements to the client views. This of course is much faster because the sponsor is using the client's computer hard drive as a storage medium for the advertising. This is not even close to the concept of our 'portal skin'. The purposes are totally different.

As far as:

Angles further discloses that the sponsor can run sponsor software on the server (col 12, lines 40-50).

It should be noted that all of the listed patents have this sponsor software running on a server. Our sponsor software is different from the sponsor software as anticipated by the other patents. Our sponsor software not only insures that the client is supposed to be part of the mini network of users that the sponsor has provided client software to, it also provides special support to make sure all the application software provided by the sponsor is up to date and presented in the manner that the user wants it presented.

Claim 6, 15, 25: Gerace, Angles, and Nason disclose the method, medium, system of claim 5, 14, 24. Gerace further discloses that the client software further comprises functionality for optionally updating the client software program and system database on a user's computer during a communication according to the special message protocol (col 13, lines 36-46; col 13, lines 62-col 14, line 4).

When Gerace updates the information on the client computer, it is only updating advertising not applications. All the patents discuss updating advertising as this is the whole purpose of the patents and it is obvious as a requirement. Ours is the only patent that provides application software that can be used without being connected to the internet and that is not solely used for providing advertising to the client.

Claim 9, 18, 29: Gerace, Angles, and Nason disclose the method, medium, system of claim 6, 15, 25. Gerace further discloses that the client software launches an application program with the value portal included thereon (col 22, lines 5-25; col 36, lines 54-59).

Gerace does not launch an application with the value portal as described above. Gerace does not launch an application program on the client computer to gather information, it simple uses internet windows and cookies to gather information and stores the information at the server site. No where in the discussion in col 22 and col 36 does the user launch an application program unless Microsoft Internet explorer is considered to be an application program in the context of col 22 and col 36 which is contrary to our definition of an application program. 'Microsoft Internet explorer' and other internet programs like it cannot be run without being connected to the internet which is contrary to the intent of our proposed patent.